

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**JODY LOMBARDO and BRIAN**

**GILBERT,**

Plaintiffs,

v.

**SAINT LOUIS CITY,**

and

**SERGEANT RONALD BERGMANN,**

**OFFICER JOE STUCKEY, OFFICER**

**PAUL WACTOR, OFFICER MICHAEL**

**COGNASSO, OFFICER KYLE MACK,**

**OFFICER ERICH VONNIDA, OFFICER**

**BRYAN LEMONS, OFFICER ZACHARY**

**OPAL, OFFICER JASON KING, and**

**OFFICER RONALD DeGREGORIO, in**

**their individual capacities,**

Defendants.

Case No. 4:16-cv-01637 NCC

**JOINT PROPOSED SCHEDULING ORDER AND DISCOVERY PLAN**

Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure and the Court's Order Requiring Joint Proposed Scheduling Plan (Doc. # 24), the parties, Jody Lombardo, Bryan Gilbert, Saint Louis City, Ronald Bergmann, Joe Stuckey, Paul Wactor, Michael Cognasso, Kyle Mack, Erich Vonnida, Bryan Lemons, Zachary Opal, Jason King, and Ronald DeGregorio herein submit the following Joint Proposed Scheduling Order and Discovery Plan:

**INTRODUCTION**

The parties conducted their Rule 26(f) meeting on August 8, 2017 and reached agreement on many of the items set forth below.

## **JOINT PROPOSED DISCOVERY PLAN**

This case was assigned to Track Two (2), Standard, which requires disposition of the action within eighteen (18) months of its filing on or before April 1, 2018.

The parties state that because discovery was stayed for over eight months during the pendency of Defendants' motions to dismiss, that additional time is needed to complete fact discovery. In addition, the parties anticipate that the number of potential witnesses (and thus the number of necessary depositions) will exceed the presumptive limit of 10, and will necessitate additional time to accomplish fact discovery. The parties propose an alternative case management plan as follows:

### **1. Pre-Discovery Disclosures**

The parties agree that all pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before **November 10, 2017**.

### **2. Date for Limiting Joinder of Parties:**

The parties agree that the date for limiting joinder of parties should be **October 12, 2017**.

### **3. Date for Limiting the Filing of Motions to Amend Pleading:**

The parties agree that the date for limiting the filing of motions to amend pleadings should be **December 10, 2017**.

### **4. Date for Limiting the Filing of Discovery Motions:**

The parties agree that the date for limiting the filing of discovery motions should be **May 1, 2018**.

### **5. Discovery Plan for Completion of All Discovery**

#### **a. Dates by Which All Discovery Will be Completed:**

The parties suggest a discovery deadline **June 1, 2018**.

**b. Depositions and Written Discovery:**

The parties agree that the presumptive limits of 25 interrogatories per party as set forth in Fed. R. Civ. P. 33(a) should apply. The parties also agree that the presumptive limit of 10 depositions per side should not apply. Given the large number of potential witnesses, the parties request that there not be a numerical limit placed on the number of depositions at this time. The parties agree to confer in good faith to limit unnecessary depositions.

**c. Subjects on Which Discovery May be Needed:**

The parties agree discovery regarding any non-privileged matter that is relevant to any party's claim or defense as provided by Rule 26(b)(1) of the Federal Rules of Civil Procedure should be permitted.

**6. Discovery With Respect to Electronically Stored Information:**

The parties do not anticipate any issue with production of ESI.

**7. Preservation of ESI:**

The parties agree that they have endeavored to preserve all potentially relevant ESI, and that imposition of a preservation order is not necessary at this time.

**8. Experts:**

The parties agree that Plaintiffs' deadline to identify their experts shall be **March 1, 2018** and the deadline to produce the expert for deposition shall be **April 1, 2018**.

The parties agree that Defendants' deadline to identify their experts shall be **May 1, 2018** and the deadline to produce the expert for deposition shall be **June 1, 2018**.

**9. Dispositive and *Daubert* Motions.**

The parties agree that all Dispositive and *Daubert* motions shall be filed by **June 29, 2018**.

All Response briefs shall be filed by **July 27, 2018**. All Reply briefs shall be filed by **August 10, 2018**.

**10. Other Orders That Should be Entered by the Court:**

The parties agree that there are no other orders that should be entered by the Court.

**11. Trial Date/Estimated Number of Days to Try Action:**

Parties believe that the case will be ready for trial in **September 1, 2018**. The expected length of trial is 5-7 days.

**12. Protective Order:**

The parties do not anticipate the need for a Protective Order.

**FLINT LAW FIRM, LLC**

/s/ Andrew W. Callahan  
Andrew W. Callahan #60714MO  
222 East Park St. Suite 500  
Post Office Box 930  
Edwardsville, IL 62025  
(618) 288-4777  
(618) 288-2864 FAX  
[acallahan@flintfirm.com](mailto:acallahan@flintfirm.com)  
Attorney for Plaintiffs

**CITY COUNSELOR'S OFFICE**

/s/ J. Brent Dulle  
J. Brent Dulle #59705MO  
City of St. Louis Law Department  
1200 Market Street  
City Hall Room 314  
St. Louis, MO 63103  
(314) 622-4644  
(314) 622-4956 FAX  
[dulleb@stlouis-mo.gov](mailto:dulleb@stlouis-mo.gov)  
Attorney for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify this Entry was electronically filed with the Court for service by means of Notice of Electronic Filing upon all attorneys of record on August 9, 2017.

**FLINT LAW FIRM, LLC**

By: /s/ Andrew W. Callahan  
Andrew W. Callahan #60714MO  
222 East Park St. Suite 500  
Post Office Box 930  
Edwardsville, IL 62025  
(618) 288-4777  
(618) 288-2864 FAX  
[acallahan@flintfirm.com](mailto:acallahan@flintfirm.com)